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10/671,407	09/25/2003	Cary Lee Bates	ROC920030265US1	8399

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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte CARY LEE BATES and PAUL W. BUENGER

_____

Appeal 2009-005539
Application 10/671,407
Technology Center 2100

_____

Before JAMES D. THOMAS, LANCE L. BARRY, and JAMES R.
HUGHES, *Administrative Patent Judges.*

BARRY, *Administrative Patent Judge.*

DECISION ON APPEAL[1]

STATEMENT OF THE CASE

The Patent Examiner rejected claims 1-3, 6-9, and 11-20. The

Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction

under 35 U.S.C. § 6(b).

INVENTION

The Appellants describe the invention at issue on appeal as follows.

A method, apparatus, system, and signal-bearing medium are
provided that in an embodiment verify that if a selected first link in a
first page points to a reciprocal site, then a reciprocal link in a
reciprocal page points back to the first page. The verification is
performed by finding the reciprocal page and searching it for the
reciprocal link. If the reciprocal link does not exist, then in various
embodiments, the first link is removed or is removed after a time
period has elapsed or a number of times has been exceeded, or a
user is warned of the lack of the reciprocal link. In this way,
reciprocal links are tracked to verify that the first page is receiving the
agreed-upon links.

(Spec. ¶ 0008.)

ILLUSTRATIVE CLAIM

1. A method comprising:

    receiving an edit reciprocal link option and a
selected section of a first page from a user interface;

    adding at least one reciprocal tag to the first page
based on the edit reciprocal link option and the selected
section of the first page, wherein a first link to a
reciprocal site is in the selected section, and wherein the

at least one reciprocal tag identifies the selected section
that includes the first link;

finding the at least one reciprocal tag in the first
page;

finding a reciprocal page based on the at least one
reciprocal tag, wherein the reciprocal page is at the
reciprocal site, wherein the finding further comprises
finding a record based on the reciprocal tag that identifies
the reciprocal page;

determining whether a reciprocal link exists in the
reciprocal page to the first page; and if the reciprocal link
does not exist, determining an action based on a user-
interface option.

REJECTION

Claims 1-3, 6-9, and 11-20 stand rejected under 35 U.S.C. § 103(a) as
being unpatentable over Axandra et al., *Arelis Online User Guide* (May
2003) ("Axandra") and U.S. Patent Application Publication No. 2002/
0083093 A1 ("Goodisman").

ISSUE

The *issue* before us is whether the Examiner erred in finding that
Axandra discloses that a selected section of a page includes a link to a
reciprocal site and that a reciprocal tag identifies the selected section that
includes the link, as required by independent claims 1, 6, 11, and 16.

FINDINGS OF FACT

Axandra includes the following description.

> ARELIS needs a dummy web page to create a link page
> template for you. It's very easy to create such a dummy Web
> page: Step 1: Open one of your current Web pages in your
> favorite HTML editor . . . Step 2: Remove the body text
> from your Web page so that only the navigation elements
> remain . . . Step 3: Enter ##LINKS## at the place where
> you want the links to appear. Save that page under a new
> name and you're done. Open this dummy Web page in
> ARELIS when the <u>link page template wizard</u> asks for it.

(p. 78.)

Goodisman includes the following description.

> [T]he methods and systems can utilize the links to modify a
> document having at least one object, where based on the
> association or link, an object in a document can be replaced
> with an abbreviated form of the object. A switch, button, or
> other capability to toggle can allow a selection and/or display of
> the abbreviated document and the unabbreviated version.

(Abstract)

ANALYSIS

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the
initial burden of presenting a *prima facie* case of obviousness." *In re
Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d
1443, 1445 (Fed. Cir. 1992)). "'A prima facie case of obviousness is
established when the teachings from the prior art itself would appear to have
suggested the claimed subject matter to a person of ordinary skill in the art.'"
In re Bell, 991 F.2d 781, 783 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531
F.2d 1048, 1051 (CCPA 1976)).

The Examiner makes the following findings.

> Axandra teaches a mechanism to describe links . . . . If it's an
> anchor tag but called a reciprocal tag then Axandra clearly
> speaks to adding anchor tags by using the constructs of HTML
> 4.0 and the fragment identifier ##, which indicates the use of an
> anchor tag. As the user places the ##LINKS## on the page,
> they are adding anchor tags.

(Ans. 15.) Upon reviewing Axandra, we are unpersuaded that it includes a
"first link to a reciprocal site." We are also unpersuaded that Axandra's
keyword "##LINKS##" "identifies the selected section." More specifically,
we agree with the Appellants' following argument:

> The Axandra keyword "##LINKS##" does not "[identify] the
> selected section," as recited in claim 1, and Axandra (sic)
> "dummy web page" never includes "a first link to a reciprocal
> site," as recited in claim 1. Instead, the Axandra keyword
> "##LINKS##" is at a location in the "dummy web page" that
> represents a location in a "link page", which Axandra will later
> create and later add links to, as described in Axandra at page 78
> and 87.

(App. Br. 20-21.)

The Examiner explains that "[t]he teachings of Goodisman were relied
upon to teach the limitation of adding a reciprocal tag to a page. . . ." (Ans.
15.) The Examiner does not allege, let alone show, however, that the
addition of Goodisman cures the aforementioned deficiency of Axandra.

Absent a teaching or suggestion of a "first link to a reciprocal site"
and a reciprocal tag that "identifies the selected section," we are
unpersuaded of a prima facie case of obviousness. Therefore, we *conclude*
that the Examiner erred in finding that Axandra discloses that a selected
section of a page includes a link to a reciprocal site and that a reciprocal tag

identifies the selected section that includes the link, as required by independent claims 1, 6, 11, and 16.

DECISION

We reverse the rejection of independent claims 1, 6, 11, and 16 and of claims 2, 3, 7-9, 12-15, and 17-20 which depend therefrom.

REVERSED

Tkl

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